

## **Exhibit F**



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88  
ECF Case

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**This document relates to the following case:**

*City of New York v. Amerada Hess Corp., et al.*  
Case No. 04 Civ. 3417

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**DECLARATION OF KENNETH M. RUDO IN SUPPORT OF PLAINTIFF CITY  
OF NEW YORK'S MOTION FOR LEAVE TO DESIGNATE SUBSTITUTE  
EXPERT WITNESS**

I, Kenneth M. Rudo, hereby declare under penalty of perjury:

1. I submit this declaration in support of Plaintiff the City of New York's ("the City") motion for leave to designate substitute expert witness.
2. I am a North Carolina State Environmental Toxicologist responsible for performing human risk assessments for the protection of public health from exposure to chemicals in groundwater, soil and air, including private and public drinking water wells. I have been performing this public service function for my state for over 20 years.
3. I was contacted by counsel for the City this week about serving as an expert in this case and I am willing, able and available to do so.
4. I have reviewed the medical and scientific literature addressing methyl tertiary butyl ether or "MTBE."

5. I am knowledgeable about the toxicity of MTBE and health effects issues related to MTBE.

6. I have served as an expert witness in two cases against ExxonMobil involving MTBE contamination.

7. Attached as Exhibit 1 is a true and correct copy of an expert report, dated June 27, 2007, that I submitted in another matter involving MTBE in which ExxonMobil was a defendant, *Alban et al. v. Exxon et al.*, No. 03-C-06-010932, in the Circuit Court for Baltimore County, Maryland (Hon. Maurice W. Baldwin, Jr.).

8. Attached as Exhibit 2 is a true and correct copy of an excerpt of the transcript of my deposition in the *Alban* case, at which I was deposed by William Stack, counsel for ExxonMobil.

9. Attached as Exhibit 3 is a true and correct copy of an excerpt of the transcript of my direct testimony at trial on October 21, 2008 in the *Alban* case, during which William Stack, counsel for ExxonMobil was present.

10. Attached as Exhibit 4 is a true and correct copy of an excerpt of the transcript of my testimony at trial on October 22, 2008 in the *Alban* case, at which I was subject to cross examination by William Stack, counsel for ExxonMobil.

11. Attached as Exhibit 5 is a true and correct copy of an excerpt of the transcript of my testimony at trial on October 23, 2008 in the *Alban* case, at which I was subject to cross examination by William Stack, counsel for ExxonMobil.

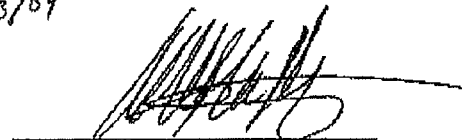
12. Attached as Exhibit 6 is a draft of a report I am able and willing to submit in this case, should the Court permit me to do so. This report encompasses the opinions I am able and willing to offer in this case. My opinions today are the same as they were in the *Alban* case,

and, if permitted to testify, I have no intention of offering any opinions that are different from or additional to the opinions to which I attested in *Alban*.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Chapel Hill, North Carolina

8/13/09

A handwritten signature in black ink, appearing to read 'Kenneth M. Rudo', written over a horizontal line.

Kenneth M. Rudo

# Exhibit 6

States Environmental Protection Agency (“EPA”) Exposure Factors, peer-reviewed scientific literature, and actual contaminant concentrations present in drinking water.

3. In formulating my opinions and preparing this report, I have relied upon my experience in the fields of toxicology and public health and my review of the medical and scientific literature addressing methyl tertiary butyl ether or “MTBE.” A list of the references upon which I rely is attached hereto as Exhibit B and is incorporated herein.

4. MTBE is considered a possible, if not probable, human carcinogen and is a known animal carcinogen. Animal studies indicate many different tumors associated with MTBE that may also occur in humans. The animal studies indicate that certain cancers, such as leukemia and lymphoma, can arise from exposure to MTBE via pathways compatible with those associated with drinking water. These cancers are malignant endpoints that may arise from exposure to MTBE for a less than lifetime exposure duration. The animal studies also identify testicular tumors, hepatocellular (liver) adenomas and carcinomas, and renal tubular adenomas and carcinomas as being associated with exposure to MTBE. Given the results of these studies and in the absence of epidemiological evidence of MTBE’s effects on humans, and the fact that there is some evidence of MTBE being a potential mutagenic compound, there is no known safe level of exposure to MTBE.

5. It is my opinion that, even at low levels, MTBE in drinking water may pose an increased cancer risk to a reasonable degree of scientific probability and certainty. In addition to the increased cancer risk from ingestion of MTBE-contaminated water, bathing and showering may also pose an increased cancer risk via dermal exposure and inhalation of MTBE-laden vapors and mist. The combination of all these pathways of exposure increases the overall cancer